

EXHIBIT D

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SANTA CLARA
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11 TEMUJIN LABS INC., a Delaware
corporation,

12 Plaintiff,

13 v.
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FRANKLIN FU, an individual,

15 Defendant.
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17 AND RELATED CROSS-ACTION.
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Case No. 21CV375422

**DECLARATION OF CAN SUN, PH.D.
IN SUPPORT OF FENWICK & WEST
LLP'S OPPOSITION TO FRANK FU'S
MOTION TO DISQUALIFY
FENWICK & WEST LLP**

Date: August 17, 2021
Time: 09:00 a.m.
Dept.: 7

Complaint filed: January 4, 2021
Trial: None set

DECLARATION OF CAN SUN

I, Can Sun, declare as follows:

1. I am an attorney at Fenwick & West LLP (“Fenwick”). This declaration is submitted in opposition to the motion of Defendant/Cross-Complainant Frank Fu to Disqualify Fenwick. Unless otherwise stated, I make this declaration based upon my personal knowledge. If called as a witness, I could and would competently testify to the matters stated herein.

My Background and Role at Fenwick

2. I have a Ph.D. in Electrical Engineering from Princeton University as well as a J.D. from Yale Law School. I am resident in Fenwick’s Seattle office, and provide legal services to companies engaged in the development and use of blockchain networks and other business ventures that rely on or relate to blockchain technology. I have been a strategic advisor on over 120 cryptocurrency projects at all stages of development, from inception to post-launch, in the United States and internationally. I am fluent in Mandarin Chinese and frequently have occasion to deal with clients, client representatives, and other parties from China.

Fenwick’s Representation of Temujin Labs, Inc.

3. Since in or around July 2019, Fenwick has represented Plaintiff Temujin Labs, Inc. (“Temujin DE”) in connection with the development of a new and innovative blockchain technology that has been given the name “Findora” for marketing and branding purposes. Temujin DE is a wholly owned subsidiary of Temujin Labs, Inc. (“Temujin Cayman”), a corporation formed under the laws of the Cayman Islands.

4. The development and launch of new blockchain network requires significant capital. The corporate structure of Temujin DE or Temujin Cayman is common for a business venture with Chinese investors, as many investors in China face legal and political obstacles to investing money in American corporations. Fenwick’s principal client representatives for Temujin DE have been two individuals I understand Fu has counter-sued as Lily Chao (“Chao”) and Damien Ding (“Ding”).

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1 **Frank Fu**

2 5. In the course of providing legal services to Temujin DE, I have never had occasion
3 to speak with Frank Fu (“Fu”). I am aware that Mr. Fu was engaged as an independent contractor
4 and consultant to Temujin DE, as set forth in the letter agreement attached to the Complaint in
5 this action. Other than this letter agreement, I am unaware of any affiliation between Mr. Fu and
6 Temujin DE.

7 6. I have dealt with Mr. Fu in the past in his capacity as CEO of Fenwick client
8 HBUS, Inc. (“HBUS”). HBUS was an affiliate of the Huobi Group that retained Fenwick in 2018
9 in connection with the company’s plans to operate a digital currency trading platform in the
10 United States. My primary client contact at HBUS was its General Counsel, Harry Zhou, and his
11 successors; however, I met and dealt with Mr. Fu on occasion. After Mr. Zhou left the company,
12 he recommended me to Mr. Fu to succeed him as General Counsel. After discussing the position
13 with Mr. Fu and others at HBUS, I respectfully withdrew my application.

14 7. I am not aware of any occasion on which Mr. Fu sought to engage Fenwick as his
15 personal attorney, or to seek personal legal advice from me or any other Fenwick attorney.

16 **Temujin Internal Disputes**

17 8. In or around September and October 2020, I was contacted by and had
18 communications with certain of the engineers and advisors working on the Findora technology at
19 Temujin DE, specifically Charles Lu, Ben Fisch, and Ariel Abittan. Mr. Abittan demanded that
20 Fenwick look to him as the client representative rather than Chao or Ding.

21 9. After internal consultation and review of the corporate records, I and others at
22 Fenwick advised Lu, Fisch, and Abittan that Fenwick had determined that Chao and Ding were

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1 the appropriate client representatives of Temujin DE, and that Fisch was not a director of the
2 company.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 Executed August 2, 2021, at New York, New York.

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7 *Can Sun*

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